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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

CR 11-84-BR

PLAINTIFF,

**AFFIDAVIT OF COUNSEL IN
SUPPORT OF MOTION TO STRIKE
TRIAL DATE AND SET STATUS
CONFERENCE**

vs.

DION MICHAEL McKINZY,

DEFENDANT.

STATE OF OREGON)
) ss.
County of Multnomah)

I, Lisa Hay, being duly sworn, hereby depose and say:

1. I am the attorney appointed to represent Dion Michael McKinzy in the above-entitled case.

2. The trial in this case is presently scheduled for December 6, 2011. Mr. McKinzy was arraigned on March 2, 2011. Four prior continuances of the trial date have been sought by the defense.

3. The parties have discussed a plea agreement to resolve this case, and the defense expects that a written agreement will soon be offered. For this reason, the defense requests that the trial date be stricken, and that a status conference be set for Tuesday, December 14, 2011. This will likely become a change of plea hearing. In the event that the parties do not reach an agreement and a trial becomes necessary, the defense agrees that the period from December 6 up to any new trial date constitutes excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(A) (delay relating to any proceedings concerning the defendant) and (h)(7)(A) (interests of justice). Mr. McKinzy respectfully requests that this Court strike the current trial date and set this for a status conference as requested.

4. Mr. McKinzy agrees to this motion and knows it will result in excludable delay under the provisions of 18 U.S.C. § 3161(h)(1) and (7) of the Speedy Trial Act.

5. AUSA Gregory Nyhus does not object to this motion.

6. I make this motion in good faith and not for the purpose of delay.

/s/ Lisa Hay

Lisa Hay
Attorney for Defendant

SUBSCRIBED AND SWORN TO BEFORE ME this December 1, 2011.

/s/ Tammy Reynolds

Notary Public for Oregon